

Americans, not only for the drug benefit as proposed by the President but, unfortunately, as the President did in part B premiums, they are willing to allow that truly inappropriate action to occur for the political benefit of it. Once again, what we are seeing is a political initiative.

Then if you look at the proposal in its outline form, you can see it is going to create an intricate, complex, bureaucratic structure to determine what benefit is covered and is available to be picked up by the Federal Government under the drug benefit cost. There is going to have to be some sort of extremely complex structure. They turned it over to HCFA, which is an agency that has the capacity to develop a complex structure, but there will need to be some sort of national structure set up in order to account for what is and is not covered under the system the President has set up in his proposal.

One gets the feeling we are looking again at the use of the Federal bureaucracy as the agency to manage the day-to-day activities of health care. We know from experience that does not work too well.

This proposal the President has put forward is, on its face, upside down on core basic issues of better health care, whether it happens to be the premium, whether it happens to be the means testing, or whether it happens to be the bureaucracy.

I think the thing that I find most dangerous about this proposal, and the thing I am most concerned about, is the effect on lifestyle of American seniors because it puts us on an extraordinarily slippery slope, in its present structure, which will most likely lead to a diminution of the effort of the American entrepreneurial culture to produce better drugs for seniors.

A great number of American citizens today benefit dramatically from the fact that we have the most vibrant, innovative drug research and development industry in the world. We have an industry which is second to none in producing products that make people's lives better.

But it is an extremely expensive undertaking. It takes 12 years and hundreds of millions of dollars to bring a drug to the market. The only way that these entrepreneurs can undertake that initiative is if they are able to go out in the marketplace and get the capital necessary to take that type of risk to produce those drugs.

When you start having the Federal bureaucracy manage who can and who cannot buy a drug and what drug has to be bought and what drug cannot be bought, as will inevitably be, I suspect, the outcome of this initiative, as it moves into its second- and third-generation event—and was the intention, by the way, of the Hillary health care plan, so we know that we can suspect that is in the back of somebody's mind around here—then your ultimate outcome will be to have a chilling effect,

a dramatic dampening effect on the innovative minds of America, on the scientists of America who are producing the new drugs which make people's lives better because those scientists and those innovators are not going to be able to get funds through the capital markets to underwrite their undertakings.

Why? Because if you are a capital investor, as Mr. Greenspan has so often told us, the capital markets are the most efficient markets in the world. Money flows for capital where it gets the return that makes the most sense for those dollars. People are not going to invest in drug research and development if they are not going to get adequate return. They are not going to get adequate return on it if you have a Federal bureaucracy taking over the control of the pricing mechanisms or the appropriate drugs to be purchased—both of which are potential outcomes of any plan put forward by this administration because that, as we have already seen, is a goal that is in the back of the mind of this administration. So although it is not a stated risk, it is, in my opinion, a clear undercurrent of risk as we step into this area of drug benefit for senior citizens.

The ultimate conclusion of this, of course, is that I think the President's proposal is political, not substantive. If the President wanted to substantively pursue a drug proposal, a drug benefit for senior citizens that would work, that had been well vetted and well thought out intelligently, he would have adopted the proposal of his own commission, the Breaux Commission. That was rejected in order to take the path of the political initiative. I think we should be very suspicious before we step on to that path as a Congress.

Mr. President, I appreciate the courtesy of the Chair and yield the floor.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, let me say first Senator DASCHLE and I have labored long and hard to come to an agreement on a unanimous-consent procedure to deal with the Patients' Bill of Rights issue, appropriations bills, and nominations, and it still takes an awful lot of good faith. We have to work together. We have to have some trust. We have to give the benefit of the doubt to the leaders. Also, in the Senate we have to be prepared to deal with action. We are trying to find a way to deal fairly with the appropriations bills and with the Patients' Bill of Rights.

I ask unanimous consent that the majority leader or his designee, introduce the underlying health care bill and it be placed on the calendar by 12 noon on Thursday, July 8, and the bill become the pending business at 1 p.m. on Monday, July 12, 1999, with a vote occurring on final passage at the close of business on Thursday, July 15, and the bill be subject to the following agreement:

That the bill be limited to 3 hours of debate, to be equally divided in the usual form, that all amendments in order to the bill be relevant to the subject of amendment Nos. 702, 703, the introduced bill or health care tax cuts, and all first degree amendments be offered in an alternating fashion with Senator DASCHLE to offer the initial first degree amendment and all first- and second-degree amendments be limited to 100 minutes each, to be equally divided in the usual form. I further ask consent that second-degree amendments be limited to one second-degree amendment per side, per party, with no motions to commit or recommit in order, or any other act with regard to the amendments in order, and that just prior to third reading of the bill, it be in order for the majority leader, or his designee to offer a final amendment, with no second-degree amendments in order.

I further ask consent that following passage of the bill, should the bill, upon passage, contain any revenue blue slip matter, the bill remain at the desk and that when the Senate receives the house companion bill, the Senate proceed to its immediate consideration, all after the enacting clause be stricken, and the text of the Senate bill that was passed be inserted in lieu thereof, the bill as amended be passed, the Senate insist on its amendment and request a conference with the House, all without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I want to announce at this time that the minority leader, Senator DASCHLE, and I have discussed several times how we would proceed with this matter once we have had this period of time for debate and votes on and in relation to the Patients' Bill of Rights.

Senator DASCHLE has given me his assurance that although this agreement will not prohibit Members from offering this issue or an amendment related to this issue again in the session, he does not expect a need to offer this issue again, presuming the normal legislative process is followed.

In other words, if we should complete an action and it goes to conference, if it languishes there or does not come back, this arrangement would not prohibit some amendment from being offered at some subsequent point.

I can fairly say that the minority leader is willing to say this issue will have had due consideration after these 4 days of debate, and at the conclusion of this week we would not feel the need to readdress it.

Finally, I announce to the Senate, following this agreement, the two leaders have jointly agreed to pass three to five of the remaining appropriations bills available prior to the Fourth of July recess. This will take a good bit of cooperation, too.

The top priority of the appropriations bills are likely in the following

order: foreign operations, D.C., Treasury-Postal Service, and the pending agriculture appropriations bill. We will work to see what the prospects are and time to be consumed for Transportation, State-Justice-Commerce, or Interior.

I have already discussed this matter twice this afternoon with the chairman of the committee. I believe he is working with Senator BYRD to try to identify the bills we could most likely move in this remaining time, and how that can be done—time agreements, if necessary—but we will have to work together. I believe we can move at least three, and hopefully four, of these bills.

In light of this agreement, I now ask consent that the pending two amendments to the agricultural appropriations bill be withdrawn.

Mr. DASCHLE. Mr. President, reserving the right to object, and I certainly won't, I want to reserve my comments on the overall agreement until after the majority leader has completed his unanimous consent request, which has one more piece.

Let me say in regard to the comments made by the majority leader about our assurances, as he has indicated, that we would not pursue this matter further this year. He used the right phrase—"if the normal legislative process" is followed.

Obviously, we expect the normal legislative process to be one which will allow a good debate on an array of amendments, first and second-degrees with limits on time, and that we will have completed an adequate number of those amendments.

This issue, of course, is the Patients' Bill of Rights. The agreement doesn't preclude debate and amendments on other health-related matters unrelated to the Patients' Bill of Rights.

I am confident that if we have a good debate and if we have an opportunity to consider these amendments, there will be no need to pursue this matter further this year. The Senate will have spoken.

I indicated privately in my conversation with Senator LOTT that this certainly is my expectation, and we will decide at the end of that week how well we did. My expectation is the normal legislative process will be followed.

I have no objection.

Mr. KENNEDY. Reserving the right to object, and I do not intend to object, do I understand from the leaders we would have the normal kind of days that we have traditionally had in terms of the workings of the Senate? If the majority leader could give some indication of that.

Mr. LOTT. It is my intent to move forward in the normal fashion that we deal with these legislative days. Of course, we always take into consideration conflicts that one party or the other may have. There will be no intent to have short days. We intend to have long days so we can have adequate discussion.

Let me express my appreciation to Senator NICKLES for the amount of time and effort he has put into all of this. He is very knowledgeable on the substance of the Patients' Bill of Rights issue.

There are many Senators on both sides of the aisle who prefer to do this another way. It has taken restraint on both sides. I know Senator NICKLES still has concerns about it, but he has been willing to work with us to come up with an agreement to move forward. I know that applies to Senator KENNEDY also.

I also have to thank Senator COCHRAN and Senator KOHL, managers of this agriculture appropriations bill, around whose neck this issue has been attached for the last week. They have been very patient and understanding.

I hope tomorrow we will be prepared to move forward aggressively on a number of these appropriations bills—the three I mentioned at the top or agriculture or one of the others.

I will be talking to the ranking member and Senator DASCHLE about the appropriations we can move forward with first.

Mr. KENNEDY. I withdraw my objection.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Reserving the right to object, I do not intend to object, but I want to echo a comment of the Democratic leader. That presumption is that this flexible process will allow a sufficient number of amendments to come to the floor, that it will not be a process where one or two amendments are brought up and then through a series of extended second-degree amendments delayed?

Mr. LOTT. The agreement wouldn't allow for that.

Mr. REED. We are really talking about a procedure where we could fully ventilate all the issues—and there are numerous issues that are inherent in this bill. I hope that is the spirit and the actuality of the agreement.

Mr. LOTT. I think there will be full opportunity to talk about the substance of the issue and the bills pending, and amendments would be offered. I think after 2 or 3 days on this issue, most of the issues that need to be debated—or all of the issues—will have been addressed.

Senator DASCHLE and I will have talked back and forth about that. I think once we have some critical debate and some critical amendments, the Members will think they have had the opportunity to be heard and will have made their points.

So I think there is going to be plenty of time here. It doesn't specify amendments. It doesn't specify a maximum or a minimum. There are some time limitations, which is the orderly way to do business around here, but there is not going to be any effort to have two or three amendments and then forestall everything else. You could not do it under this arrangement.

Mr. REED. I yield the floor.

The PRESIDING OFFICER. Is there objection?

Mr. REED. I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. NICKLES. Reserving the right to object, let me clarify something with the majority leader. The majority leader made a request, or we discussed one on Thursday evening, I think, at 6:30. The major difference between this request and the one on Thursday is, No. 1, the limit on debate on the bill is limited to 3 hours and there was not a time limit?

Mr. LOTT. There was not a time limit on the earlier bill in the general debate in the earlier unanimous consent. There is 3 hours in this unanimous consent. Instead of the 2 hours on the first- and second-degree amendments, 2 hours each, there is 100 minutes on each one of them.

Mr. NICKLES. I appreciate that. For further clarification, I understand why the minority leader asked for that, but I will state—I stated it on the floor—it was never anyone's intention on this side, to my knowledge, to filibuster the bill. I do think 3 hours is a very limited time. I do think it is possible, though, you can discuss the bill during amendment time, so I am not going to object.

Then the other major change was a reduction from 120 minutes to 100 minutes. That, of course, is to facilitate a greater number of amendments and that is understandable as well. So I have no objection.

Mr. LOTT. I thank Senator NICKLES again for his cooperation. I do think as we go forward it is very likely some of these amendments will not take the full time. I assume some of them may even be agreed to by both sides. I also think it is possible we might be going along with pretty hot debate and Senators may want a little extra time. Usually, we try to accommodate each other, if there really is a need for it, on both sides of the aisle. I am not advocating it now. I think we could nitpick it to death, but I think we have come about as close as we possibly can.

I do have two other announcements I would like to make.

The PRESIDING OFFICER. Is there objection to the majority leader's request? Without objection, it is so ordered.

#### NOMINATIONS

Mr. LOTT. As we have discussed, it is my intention to work to clear the Executive Calendar. We now have a number of nominations on the calendar, including a long list of military nominations and the nominee to be Secretary of Treasury. We may even have other nominees coming on the calendar. I understand the Finance Committee reported three more nominations today, including the Under Secretary of Treasury. We have some judicial nominations. We will begin the process tomorrow of hotlining those nominations. We will be moving them along as

we go forward on this process of getting appropriations done.

Again, our purpose is to work together and do the people's business in the next 2½ days, and that will include clearing nominations. Some of them, of course, may hit a snag for one reason or another, but we will certainly work on that.

The other thing is we have talked on both sides of the aisle about how someday we needed to go back and correct a situation that developed a few years ago with regard to rule XVI so that we can preserve the integrity of the appropriations and the authorization process. Senator DASCHLE and I have talked about this. We want to reach a point where he and I together—not when one side or the other seizes the opportunity, but at the earliest opportunity, he and I will stand together to correct what I think was a mistake. And it originated on our side of the aisle. I acknowledge that. I was part of the problem. But I think for the future sanctity of the appropriations process and to make the authorization committees really work as they should, we should have that point of order reinstated. Senator DASCHLE has indicated he would work with me on that. I would like it to be totally a bipartisan effort. I know our ranking member and the chairman of the Appropriations Committee would like to do that, too. So I thank him for his cooperation on this unanimous consent.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I want to publicly commend the majority leader for the effort he has made over the last several days to find a way to resolve this impasse. I believe this is a win-win. I think only through his persistence and willingness to consider a lot of different options were we able to reach this point. I am grateful to him and have, once again, enjoyed the opportunity to resolve what has been a very significant procedural difficulty for us all.

I also want to thank the distinguished senior Senator from Massachusetts for the outstanding job he has done providing us real leadership on this issue, as he does on so many issues relating to health and education.

I also thank the assistant Republican leader as well.

I believe this is a good agreement any way one looks at it. It provides us with the opportunity to have a good debate. It provides us with the opportunity to have a series of amendments. It certainly provides us with the focus that we have been looking for with regard to the Patients' Bill of Rights. This is a very good agreement, agreed to, I think, with the direct involvement of a lot of people. So we are grateful.

The majority leader mentioned a couple of other matters, one having to do with his desire to work full days. He has assured me we will work 9- to 12-hour days that week we come back be-

cause he recognizes the importance of giving this issue a full opportunity for debate. I appreciate his commitment in that regard.

I also share his concern about how we might make the appropriations process work better. Democrats were opposed, of course, to the overruling of the Chair at the time it occurred. To take it back would be consistent with the position we took when the vote was taken a few years back. So I do intend to work with him to find a way to resolve this matter. That also, of course, is assuming we will have opportunities—I know we have talked about this—opportunities to have good debates with amendments on authorization bills. This will only work if we have the regular order on authorization bills. We certainly have to be sure that we have an opportunity on those occasions when authorization bills are presented to have a good debate with amendments as we have had now on a couple of bills this year.

Again, I think this is a good agreement. I appreciate the cooperation of everybody but in particular the leadership of the majority leader and Senator KENNEDY and others on our side.

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I will be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join in commending the two leaders for propounding this unanimous consent request. These past days have been hard fought in establishing a procedure which would be fair and permit the opportunity for the Senate to debate fully some of the important measures I think are included in the Patients' Bill of Rights. I think the leaders have outlined a process and the Senate has been willing to accept that procedure. Both leaders do deserve credit.

I want to underscore what both leaders have said; that is, we are going into this whole process on the basis of good faith. I join with the Senator from South Dakota in feeling we can do the business of the Senate on this issue in that time. But it is also preserved, if for some reason there is not the kind of constructive and positive attitude we have heard this evening, that there is going to be the denial of that opportunity, that rights will be reserved for Members to raise these issues at another time. I am hopeful we can follow what has been outlined here and in good faith have a full and fair debate on these issues.

The real fireworks are going to be after the Fourth of July this year. I look forward to engaging in this debate.

I again thank my leader and the majority leader for moving this whole extremely important piece of legislation to the point where it will be center stage in the Senate. I thank the leader for his efforts.

Mr. DASCHLE. I yield the floor.

Mr. LOTT. Mr. President, I would like to make one further announce-

ment. I have been communicating, as I said, with the chairman of the Appropriations Committee. In the wrapup, we will announce that in the morning we will go to one of the appropriations bills, perhaps D.C. or foreign ops. We will need to confer with a lot of different people. But when we get the time agreement, we will go to one of those.

In view of the work that has gone on, I will announce at this time there will be no further rollcall votes tonight, but Members should expect votes to occur in the morning and throughout the day.

Mr. President, one final announcement: We are going to pursue the possibility of laying down one of the appropriations bills tonight so we would have it pending. I want Members to be aware of that, but there still would not be any more recorded votes.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 1301 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SENATE AGENDA

Mr. DURBIN. Mr. President, there has been a breakthrough which observers in the galleries and others watching might not be aware of; that is, after 2 weeks of effort on the floor, we now have an understanding that after the Fourth of July recess when we return, we are going to debate the Patients' Bill of Rights.

That is the bill that talks about reforming health insurance in America so that families have a better chance of getting quality health care so that when you visit a doctor, and the doctor makes a medical decision for you or someone you love, it will be less likely that some bureaucrat and insurance company will overrule the doctor.

We want to make certain, as well, that if you have a picnic in the backyard on the Fourth of July, and your little boy climbs up the apple tree and falls out and breaks his arm, you can take him to the closest emergency room without fumbling through your papers to figure out which hospital is under your health insurance plan. That is just basic common sense.